

REMARKS

With the cancellation of Claims 4, 5, 8 and 9, claims 1-3, 6 and 7 are currently pending. Claims 1, 2 and 6 have been amended herein. The amendments to the claims do not present new matter. A replacement drawing sheet including Figures 1 and 2 is also submitted herewith.

Claims 1-9 have been rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter. In particular, the Examiner argues that the claimed subject matter cannot be considered either pre-computer process activity or post-computer process activity. Applicants respectfully disagree and contend that the claimed subject matter clearly represents pre-computer process activity as set forth in the Guidelines for Computer-Implemented Inventions, which states that a process that requires the measurements of physical quantities to be transformed into computer data is statutory. See MPEP §2106. Applicants respectfully submit that amended independent claims 1 and 6 clearly meet this requirement.

Claim 1, as amended, recites the steps of measuring a battery voltage signal at a predefined sampling rate to provide measured values and storing the measured values in a buffer memory. In these two steps, there are measurements of a physical quality – a battery voltage – and transformation of these measurements into computer data – i.e., storing the measured values in a buffer memory. Thus, it is submitted that claim 1 unequivocally meets the requirements of the pre-computer process activity, and therefore claim 1 presents statutory subject matter (as does its dependent claims 2 and 3). Since claim 6 recites analogous subject matter to claim 1, it is submitted that claim 6 and its dependent claim 7 also present statutory subject matter.

In light of the above, withdrawal of the rejection of claims 1-9 as being directed to non-statutory subject matter under 35 U.S.C. § 101 is respectfully requested.

Claims 1-9 have been rejected under U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner asserts that it is not clear what is meant by “forming a median value of the stored measured values in a time-slot pattern slower than the sampling rate to obtain an averaged signal value,” and the Examiner contends that there is no detailed explanation in the specification for this phrase. Without passing judgment on the merits of this assertion, it is noted that independent claims 1 and 6, as amended, do not include this quoted language, and therefore the Examiner's assertions as to this quoted language have been rendered moot.

Additionally, in the Office Action, the Examiner asserts that “Applicants do not provide any further detailed description of how a median value of the stored measured values can be determined if stored battery voltage values has reached the threshold value, what [the] threshold value stands for, and how a battery voltage average value can be derived based on a determined median value.” Applicants submit that the specification in fact does provide such support, as explained in the following.

The specification of the present invention describes a particular embodiment in which it is checked whether the number of stored battery voltage values has reached a threshold value, and if so, the median value – explicitly defined as the “the number which lies in the middle of a series of numbers” (Specification, page 2, lines 17-18) -- of the stored measurement values is determined to obtain a battery voltage average value. See Specification, page 3, lines 10-12. From this passage, it is clear that the present invention prescribes storing measured voltage voltages, waiting until a threshold number of these values has been stored, and then using a median value of the stored value as an accurate representation of the battery voltage, which is then phase compensated. It is therefore submitted that those of skill in the art would readily comprehend that the Applicants were in possession of the claimed subject matter at the time of the filing of the application. Withdrawal of the rejection of the pending claims for failing to comply with the written description requirement is therefore respectfully requested.

Claims 1-9 have been rejected under U.S.C. § 112, second paragraph, as being indefinite. In particularly, the Examiner has objected to certain language, which language has been removed by amendment to claims 1 and 6 in this Amendment. In light of these amendments, it is submitted that the indefiniteness rejection of the pending claims has been obviated.

The drawings were objected to under 37 CFR 1.83(a) for lacking labels in certain boxes shown in Figure 2. A replacement sheet including Figure 2 that includes labels for elements 1-4 is submitted herewith. Withdrawal of the drawing objection in light of this submission is accordingly requested.

Claims 1, 2 and 4-9 have been rejected as anticipated by U.S. Patent No. 5,079,496 to Pierret et al. (“Pierret”). It is submitted that Pierret does not anticipate the subject matter of the pending claims.

To reject a claim under 35 U.S.C. §102(b), the Office must demonstrate that each and every claim feature is identically disclosed in a single prior art reference. See Scripps Clinic & Research Foundation v. Genentech, Inc., 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991). The

identical invention must be shown in as complete detail as is contained in the claim. M.P.E.P. §2131.

The Pierret reference refers to an alternator regulator in which for regulation, the battery voltage is detected and taken in to account in the regulation. For this purpose, an average value is formed from the detected voltage values, not a median value (which as noted above, is not the same as an average value). Furthermore, the threshold values referred to do not have any connection with the formation of the average value of the battery voltage and in particular, do not pertain to a threshold number of values for determining a median value. Instead, the threshold value referred to in Pierret is a threshold voltage value. See Pierret, col. 9, line 40.

For at least these reasons, it is submitted that the Pierret reference does not disclose checking whether a number of the measured values stored in the buffer memory has reached a threshold value, and forming a median value of the stored measured values in a time-slot pattern slower than the sampling rate if the number of values stored in the buffer memory has reached the threshold value as claimed, as recited in independent claims 1 and 6. Withdrawal of the anticipation rejection of the pending claims 1, 2, 3, 6 and 7 is accordingly respectfully requested.

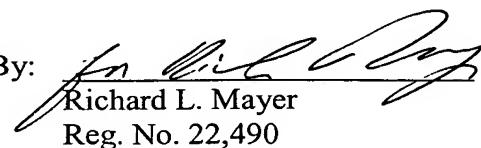
CONCLUSION

In light of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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Amendments to the Drawings:

The attached replacement sheet includes changes to Figure 2. This sheet replaces the original sheet that includes Figures 1 and 2. In Fig. 2, descriptive labels for the boxes have been provided.